



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

December 23, 2004

**OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE**

MEMORANDUM

SUBJECT: Environmental Justice News from November 25, 2004, to December 12, 2004

FROM: Nicholas Targ, Counsel
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This summarizes select environmental justice news from November 25, 2004, to December 12, 2004. Except as noted, this review is confined to Lexis/Nexis queries conducted under the following search: "(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/50 minorit! or low***income) or (executive order 12898) or (civil right! w/50 environmental)". Please note that we have not included multiple articles covering the same topic.

For the period ending December 12, 2004, the following news is current:

A. News

1. Amy Wold, "Company to halt sewage fertilizer use," The Advocate, Baton Rouge, Louisiana (December 10, 2004).

On December 31, 2004, FTM & Associates will stop spreading treated sewage sludge on sugar-cane fields in St. James Parish, Louisiana, according to the article. The article states that area residents expressed concern that the sludge has contributed to local health problems. The Louisiana Department of Environmental Quality worked with the company to find an alternative site for disposal, the article reports. In the future, the sludge will be used at the Greater New Orleans landfill, as top soil, to help keep the landfill's cap from eroding.

2. John J. Monahan, “Main South project set to begin; Study to apply scientific approach to improve lifestyles in inner city,” Telegram & Gazette, Massachusetts (December 7, 2004).

A new study funded by the National Institute of Environmental Health Sciences and National Institute of Occupational Health and Safety's "Environmental Justice: Partnerships for Communities Program" will explore environmental stressors on inner-city residents. Clark University's Department of International Development, Community and Environment and the George Perkins Marsh Institute will direct the \$887,000 study. The academic institutions will work with environmental, health service and youth-oriented organizations in the Main South and Piedmont neighborhoods of Worcester, Massachusetts, to identify and address local issues, the article reports.

3. Coleman Warner, “New law program starts at Loyola; Environment is focus of student training,” Times-Picayune, New Orleans, Louisiana (December 3, 2004).

Robert Verchick, a newly hired professor and environmental justice expert will lead the Environmental Law program at Loyola University. The article states, “Verchick is the first holder of a Loyola Gauthier and St. Martin chair in environmental law, which is supported by a \$2 million endowment.” The program will work closely with Tulane University environmental law professors to provide students with the opportunity to help resolve environmental conflicts, according to the article.

4. Vanguard, “Nigeria; Bayelsa Gov Tasks NBA Leaders On Nation's Woes,” Africa News, (November 29, 2004).

Governor Diepreye Alamieyeseigha of Bayelsa State, at a dinner honoring the President and leadership of the Nigerian Bar Association, urged the Association to “use the body as an agent of positive change and national transformation.” The Governor, who described the organization's members as “people that fight for social justice in the country,” said, “a society devoid of fairness, truth, equity and justice would not make any appreciable progress... Our environment is abused, our marine life is destroyed, there is endless gas flaring with its attendant hazards. That is why we are fighting for environmental justice,” the article quotes the Governor as saying.

B. Legislative/Regulatory/Programmatic—

Missouri, S.B. 8, introduced by Senator Patrick Dougherty (D-4th Dist.) on December 1, 2004.

This bill is intended to address children's health issues, making certain legislative findings, creating an advisory committee, and establishing authority for the State to accept gifts and grants to address children's health issues. Among stressors, the bill finds, “Higher rates of poverty are one of the factors that place children of ethnic and minority communities at disproportionate risk for environmental exposures, due to inadequate housing, poor nutrition, and limited access to health care...” The bill also notes that, “Solutions to complex environmental health problems require the ongoing communication, collaboration, and cooperation of affected communities and many disciplines including science, medicine, public health, economics, law, and policy.”

C. Litigation–

***Kiobel v. Royal Dutch Petroleum Co.*, No. 03-21222 (5th Cir. Dec. 7, 2004), 2004 U.S. App. LEXIS 25135.**

In proceedings ancillary to an action brought by Ken Wiwa's estate, a class of ethnic minority Nigerians, and others, a Fifth Circuit panel held that the lower court's quashing of a subpoena was arbitrary and capricious. Narrowing the scope of the subpoena, the panel ordered the defendant's former security coordinator to produce information relevant to the defendant's alleged cooperation with the Nigerian government's alleged campaign against the minority ethnic group.